

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Lance Dean Plunske,

Civil No. 11-1407 (RHK/TNL)

Plaintiff,

**ORDER**

v.

State of Minnesota,

Defendant.

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Based upon the June 30, 2011, Report and Recommendation of United States Magistrate Judge Tony N. Leung, together with all the files and records herein, and no objections to said Recommendation having been filed, **IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 8) is **ADOPTED**;
2. Petitioner's amended application for a Writ of Habeas Corpus, (Doc. No. 6) is **DENIED**;
3. Petitioner's applications for leave to proceed in forma pauperis, (Doc. Nos. 2 and 7), are **DENIED AS MOOT**;
4. This action is **DISMISSED WITHOUT PREJUDICE**; and
5. Petitioner is **NOT** granted a Certificate of Appealability.

Dated: July 28, 2011

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge